

**Remarks**

Claims 43-50 are pending. Claims 43-50 are newly added. Claims 1-42 have been canceled.

New claims 43, 49 and 50 are drawn to two basic forms of the disclosed method. New claim 43 is drawn to ligation mediated rolling circle amplification and finds support at least on page 4, lines 14-29 where the ligation operation and amplification operation are discussed.

Rolling circle replication of the circularized open circle probe in claim 43 finds support at least on page 4, lines 14-20. Production of tandem sequence DNA finds support at least on page 10, lines 2-4.

New claim 44 finds support at least on page 29, lines 8-10. New claim 45 finds support at least in Example 5. New claim 46 finds support at least on page 4, lines 9-12. New claims 47 finds support at least in original claim 1. New claim 48 finds support at least in original claim 15.

New claims 49 and 50 are drawn to a method of detecting target molecules and finds support at least in original claim 41 (detecting a target molecule), page 4, lines 24-25 (amplification operation used independently), page 28, lines 23-24 (reporter binding agent comprising a specific binding molecule and an oligonucleotide), page 28, lines 23-28 (interaction of specific binding molecule and target molecule), page 4, lines 26-27 (amplification of the nucleic acid tag), page 4, lines 19-20 and 24-25 (rolling circle replication of an amplification target circle), and page 10, lines 2-4 (production of tandem sequence DNA).

In new claims 43 and 48-50, use of rolling circle replication primer, secondary DNA strand displacement primer and tertiary DNA strand displacement primer finds support at least in the paragraph bridging pages 7 and 8; complementarity of amplification target circles and rolling circle replication primers finds support at least on page 17, lines 26-28; complementarity of amplification target circles and tertiary DNA strand displacement primers finds support at least on page 23, lines 12-15; complementarity of amplification target circles and secondary DNA strand displacement primers finds support at least on page 22, lines 9-12; and non-complementarity of secondary DNA strand displacement primers to rolling circle replication primers finds support at least on page 22, lines 17-19.

#### **Response to Restriction Requirement**

In the Office Action mailed March 13, 2003, the claims were divided into two groups, Group I, claims 1-31, drawn to a method of selectively amplifying nucleic acid sequences, classified in class 435, subclass 91.1; Group II, claims 32-42, drawn to an open circle probe, classified in class 536, subclass 24.

In response, applicants elect Group I, claims 1-31, with traverse. Applicants note that claims 1-31 have been canceled in favor of new claims 43-50 drawn to a method of selectively amplifying nucleic acid sequences. The new claims are drawn to the elected invention.

Applicants traverse the restriction requirement as currently set forth for the following reasons. To be valid, a restriction requirement must establish both that (1) the "inventions" are either independent or distinct, and (2) that examination of more than one of the "inventions" would constitute a burden to the Examiner. Applicants note that the restriction requirement does

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not provide sufficient basis to indicate that examination of more than one of the "inventions" would overly burden the Examiner. The only reason given is that a divergent literature and patent search would be required.

Favorable consideration of claims 43-50 is earnestly solicited.

A Credit Card Payment Form PTO-2038 authorizing payment in the amount of \$465.00, representing the fee for a small entity under 37 C.F.R. § 1.17(a)(3) is enclosed. This amount is believed to be correct; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.A

Respectfully submitted,

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CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence, including any items indicated as attached or included, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

  
Robert A. Hodges

Date

7/14/2003